United Nations S/2006/1044

Security Council

Distr.: General
28 December 2006

Original: English

**Letter dated 28 December 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council**

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia, containing an account of the Committee's activities for 2006. The report is being submitted in accordance with the note by the President of the Security Council dated 29 March 1995 (S/1995/234).

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant
to resolution 1521 (2003) concerning Liberia

07-20079 (E) 160107

# Annex

## Report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia

## I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia covers the period from 1 January to 31 December 2006.

2. For 2006, the Bureau consisted of Ellen Margrethe Løj (Denmark) as Chairman, with the delegations of Japan and Qatar providing the Vice-Chairmen. During the reporting period, the Committee held three formal meetings in addition to 10 informal consultations.

## II. Background information

3. Previous sanctions regimes against Liberia were imposed by Security Council resolutions 788 (1992) and 1343 (2001), respectively. In its resolution 1521 (2003), the Security Council decided to revise the legal basis of the sanctions to reflect the changed circumstances in Liberia, in particular the departure of former President Charles Taylor, the formation of the National Transitional Government of Liberia and progress with the peace process in Sierra Leone. Under resolution 1521 (2003) the Council dissolved the Committee established pursuant to resolution 1343 (2001) and established a new Committee to oversee the implementation of the measures as modified and reimposed by the same resolution: an arms embargo, restrictions on the travel of individuals designated by the Committee on the basis of the criteria contained in the resolution, and prohibitions on the import of rough diamonds and round logs and timber products originating in Liberia. Resolution 1521 (2003) also established a Panel of Experts to provide the Committee with information regarding the implementation of the measures and progress made towards meeting the conditions for the lifting of sanctions. On 16 March 2004 the Committee issued a new travel-ban list, containing the names of individuals subject to travel restrictions imposed by paragraph 4 of resolution 1521 (2003).

4. By paragraph 1 of resolution 1532 (2004), the Security Council decided that, in order to prevent former Liberian President Charles Taylor, his immediate family members, senior officials of the former Taylor regime, or other close allies or associates designated by the Committee from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the subregion, all States would freeze without delay funds, other financial assets and economic resources owned or controlled directly or indirectly by Charles Taylor, Jewel Howard Taylor, Charles Taylor, Jr., and/or those other individuals designated by the Committee. On 14 June 2004, the Committee issued its initial list of individuals and entities subject to the measures contained in paragraph 1 of resolution 1532 (2004) (the assets-freeze list) (SC/8123). By paragraph 5 of resolution 1532 (2004), the Security Council further decided that it would review the measures imposed by paragraph 1 of the same resolution at least once a year; however, no expiration date for these particular measures was provided in the resolution.

5. A summary of the imposition and extension of the various sanctions measures (excluding the assets freeze) together with the mandates of the Panel of Experts is contained in the table below:

| *Security Council resolution number and date* | *Arms embargo and travel ban extended for* | *Diamond sanctions extended for* | *Timber sanctions extended for* | *Panel of Experts extended for* | *Document symbol of Panel's report* |
|---|---|---|---|---|---|
| Resolution 1521 (2003) 22 December 2003 | 12 months | 12 months | 12 months | 5 months | S/2004/396 and Corr.1 and 2 |
| Resolution 1549 (2004) 17 June 2004 | n/a | n/a | n/a | 6 months | S/2004/752 S/2004/955 |
| Resolution 1579 (2004) 21 December 2004 | 12 months | 6 months | 12 months | 6 months | S/2005/176 S/2005/360 |
| Resolution 1607 (2005) 21 June 2005 | n/a | 6 months | n/a | 6 months | S/2005/745 |
| Resolution 1647 (2005) 20 December 2005 | 12 months | 6 months | 6 months | 6 months | S/2006/379 |
| Resolution 1689 (2006) 20 June 2006 | n/a | 6 months | n/a | 6 months | S/2006/976 |
| Resolution 1731 (2006) 20 December 2006 | 12 months | 6 months | n/a | 6 months | |

6. Notably, in the reporting period, by its resolution 1683 (2006), the Security Council, welcoming the leadership of then newly elected President Ellen Johnson-Sirleaf and her efforts to restore peace, security and harmony throughout Liberia, modified the arms embargo to incorporate additional exemptions for the Liberian Special Security Service and, subject to advance approval by the Committee, for members of the Liberian police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia (UNMIL) in October 2003.

7. By its resolution 1689 (2006), the Council, concluding that sufficient progress had been made in meeting the conditions set out for terminating the measures on timber, decided not to renew the prohibitions on the import of round logs and timber products from Liberia; however, it also decided to review that decision after a period of 90 days and expressed its determination to reinstate the measures, unless forestry legislation as specified in the resolution had been passed. During the review, held on 20 October, the members of the Council concluded that there was no basis for reinstating those measures as otherwise stipulated in the resolution (SC/8856).

# III. Summary of the activities of the Committee

## A. Requests for exceptions to the measures

8. During the reporting period, the Committee considered and approved four requests, in accordance with paragraph 2 (e) of resolution 1521 (2003), for exemptions to the arms embargo to allow for the equipping and training of the Liberian armed forces and police.

9. In a communication dated 6 March 2006 the United States Mission to the United Nations requested an exemption to ship weapons and ammunition for use in a United States security programme to train the Liberian Special Security Service to provide close protection for the President of Liberia.

10. In communications dated 11 August and 13 September 2006, the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland requested the Committee's approval for the export of material for use by UNMIL to provide training to Liberian police officers in modern security techniques and protection drills in addition to safe weapon handling procedures (11 August), and for the export of material to a United States-based private security firm for training of the armed forces of Liberia (13 September).

11. The fourth request for exemption, received in a letter dated 21 September 2006 from the Permanent Mission of Nigeria, concerned the export of 50 side arms and related material donated as part of Nigeria's assistance to the Government of Liberia, for use by trained members of the Liberian National Police. This request was related to the petition for exemption submitted by the National Transitional Government of Liberia in the previous year, on which additional documentation was also provided, at the Committee Chairman's request, by the Special Representative of the Secretary-General for Liberia. The Chairman had indicated at that time, in separate letters dated 9 December 2005 addressed to the Special Representative and to the Permanent Representative of Nigeria to the United Nations, that the Committee would expeditiously consider a request for exemption once such a request had been received from the Permanent Mission of the State that intended to export the side arms and related material to Liberia.

12. During the period under review, the Committee considered a communication dated 21 April 2006 from the Permanent Mission of Switzerland seeking the Committee's determination as to whether a proposed donation by the Swiss Confederation of certain vehicles, trailers and related spare parts and services to the Office of the United Nations High Commissioner for Refugees (UNHCR) in Liberia fell within the scope of the arms embargo, and, if so, also requesting an exemption in accordance with paragraph 2 (f) of resolution 1521 (2003), which relates to the provision of non-lethal military equipment intended solely for humanitarian or protective use. On the basis of the detailed information provided by the Permanent Mission with respect to those supplies, the Committee was able to conclude that the items in question did not fall under the scope of the embargo, and therefore did not require the Committee's prior approval for export.

13. The Committee also considered a request for guidance, received via letter dated 28 July 2006 from the Special Representative for Liberia, from a French film production company seeking to import dummy weapons, demilitarized weapons, blank ammunition and special effects equipment into Liberia, in order to be able to

shoot a feature film on location in the country. After careful review of the documents submitted by the film company, as well as of additional relevant information received from members of the Committee and UNMIL, the Committee decided that the dummy weapons and special effects equipment did not fall under the scope of the arms embargo and therefore did not require the Committee's prior approval for importation. The Committee further decided that the demilitarized weapons and blank ammunition did fall under the scope of the embargo, and the Committee was unable to accede to the request for an exception to allow the import of these items into Liberia. In this connection, the view was expressed that an exception for such materials was not provided for in resolution 1521 (2003).

14. Following the adoption of resolution 1683 (2006), which modified the arms embargo on Liberia to include additional specific exceptions for the Government of Liberia, the Committee, in September 2006, agreed on a set of procedures to facilitate its consideration of requests for exceptions submitted under resolution 1683 (2006), and to help ensure, with UNMIL assistance, that any arms exported to Liberia under such exceptions were accounted for as called for in that resolution. The Chairman of the Committee transmitted these procedures to the Permanent Representative of Liberia and to the Special Representative for Liberia, in separate letters dated 3 October 2006.

15. During the reporting period, the Committee considered 14 requests for travel-ban waivers under paragraph 4 (c) of resolution 1521 (2003), of which 3 were granted. Two extensions to the initial period covered by one of those waivers were also granted, owing to the exceptional circumstances described in the request.

16. In accordance with the exception set out in paragraph 2 (a) of resolution 1532 (2004), the Committee received one notification, dated 28 July 2006, from the Permanent Mission of Italy regarding the Government's intention to authorize access to hitherto frozen funds in order to meet certain expenses incurred by an individual included on the assets-freeze list. Following the receipt of additional relevant information in connection with that notification, no negative decision was taken by the Committee within the requisite two-day period.

17. In accordance with the exception set out in paragraph 2 (b) of resolution 1532 (2004), the Committee received and approved two notifications, dated 24 January and 20 June 2006, respectively, from the Permanent Mission of Italy regarding the intention of the Government to authorize access to hitherto frozen funds in order to cover certain expenses of an entity included on the assets-freeze list.

## B. Review of the travel-ban and assets-freeze lists

18. During the reporting period, the Committee continued to review its travel-ban list in accordance with its relevant procedures, which stipulate, inter alia, that "the Committee will review the list every three months in connection with outstanding requests to remove individuals from the list received through the Permanent Mission of which the listed individual is a national, or through the nearest United Nations office. In exceptional cases, the Committee will consider requests received directly from individuals". These quarterly reviews were conducted in January, March, June, September and December 2006, during which the Committee considered a total of 13 de-listing requests. One of these requests was a collective one submitted on

behalf of four individuals. During the period under review, the Committee removed the name of one individual from the travel-ban list (SC/8909).

19. On 3 April 2006, the Committee approved the inclusion of additional information under the "designation/justification" column associated with four names on the travel-ban list (SC/8685). On 1 August, the Committee approved the inclusion of revised information under the same column associated with a fifth name on the list. The latest version of the travel-ban list is available on the Committee website (http://www.un.org/Docs/sc/committees/Liberia3Template.htm).

20. In the previous reporting period, on 15 November 2005, the Committee had agreed to consider, at its next review of the travel-ban list, a de-listing request submitted directly to the secretariat of the Committee at United Nations Headquarters, on the grounds that the request had been submitted to "the nearest UN office" in the sense of the Committee's relevant procedures. Accordingly, that request was considered during the quarterly review held in January 2006. In the current reporting period four additional de-listing requests were submitted directly to the secretariat of the Committee, which the Committee also considered based on the same reasoning. One of those requests was submitted by a non-governmental organization on behalf of the listed individual.

21. The Committee also considered a letter dated 23 May 2006, received via the Special Representative for Liberia, from an individual whose name had been inscribed on the travel-ban list established pursuant to resolution 1343 (2001) and who informed the Committee of his detention by the immigration authorities of a State on the mistaken grounds that he was in violation of the Security Council travel ban. In her letter to the Permanent Mission of that State, the Chairman of the Committee clarified that the 1343 list had ceased to take effect on 15 March 2004, and that the individual in question was not inscribed on the travel-ban list established pursuant to resolution 1521 (2003), which superseded the 1343 list.

22. In addition, the Committee conducted three six-monthly reviews of the assets-freeze list, in January, June and December 2006, in accordance with paragraph 4 (b) of resolution 1532 (2004). The Committee considered four de-listing requests. Furthermore, since two de-listing requests submitted prior to the March quarterly review of the travel-ban list concerned an individual and an entity that were inscribed on the assets-freeze list, and a de-listing request submitted prior to the September quarterly review concerned an individual whose name was also inscribed on the assets-freeze list, the Committee considered those requests in connection with the assets freeze list also. The Committee did not remove any names from the assets-freeze list in 2006.

23. On 3 April 2006, the Committee approved the inclusion of additional information under the "designation/justification" column associated with two names on the assets-freeze list (SC/8685). The latest version of the assets-freeze list is also available on the Committee website.

24. The Committee received a request for information, via note verbale dated 16 October 2006 from the Permanent Mission of Lebanon, concerning the listing of an individual whose name is inscribed on both the travel-ban and assets-freeze lists. The Chairman dispatched a reply on 21 December 2006.

25. In conducting its work related to the travel-ban and assets-freeze lists, the Committee continued to be guided by the procedures, adopted on 16 March 2004,

for updating and maintaining its travel-ban list and also for handling requests for exemptions from the travel restrictions contained in paragraph 4 of resolution 1521 (2003). In conducting its work, the Committee also continued to apply its guidelines for the application of paragraphs 1 and 4 of resolution 1532 (2004) concerning the assets freeze, which were last updated on 31 August 2004. These procedures and guidelines are also available on the Committee website.

## C. Implementation of the sanctions regime

26. During the reporting period the Committee received no additional replies from States in response to its note verbale dated 20 January 2004; thus the total number of replies received remains 17. Pursuant to paragraph 21 (b) of resolution 1521 (2003), the note verbale sought information from all States, particularly those in the subregion, about the actions they had taken to effectively implement paragraphs 2, 4, 6 and 10 of that resolution.

27. In separate letters dated 11 July 2006 addressed to the Permanent Missions of the Central African Republic and Togo, respectively, the Chairman requested any information that could shed further light on the alleged travel to those States, in violation of the travel ban, of two listed individuals, as reported by the Panel of Experts (see S/2006/379, paras. 155 and 157), as well as any general information on the steps taken by the Governments to implement the travel sanctions.

28. Subsequently, in separate letters dated 21 December 2006 addressed to the Permanent Missions of Benin, Brunei Darussalam, Ghana, Nigeria and Togo, respectively, the Chairman requested any information that could shed further light on the alleged travel to those States, in violation of the travel ban, of the same two individuals, as reported by the Panel of Experts (see S/2006/976, paras. 197, 198 and 202-204), as well as any general information on the steps taken by the Governments to implement the travel sanctions ahead of the Committee's next quarterly review of the travel ban.

29. The Committee received one additional reply, and an addendum with further details, from a State in response to its note verbale of 14 June 2004 (see appendix I), bringing the total number of replies received to 15. Pursuant to paragraph 4 (d) of resolution 1532 (2004), the note verbale sought information from all States regarding the actions they had taken to trace and freeze the funds, other financial assets and economic resources described in that resolution.

30. Following the conduct of elections and the installation of a new government in Liberia, the Chairman, in a communication dated 17 February 2006, sought the views of the President of Liberia on how the assets freeze might be better implemented and also underscored that, in accordance with paragraph 4 (c) of resolution 1532 (2004), it was within the mandate of the Committee to assist States, where necessary, in tracing and freezing the funds, other financial assets and economic resources of individuals and entities included on the list. The Chairman stated that the Committee would therefore welcome receiving details from the Government of Liberia regarding any assistance it might need to effectively implement the assets freeze, so that the Committee could consider how such assistance might best be provided.

31. At the Committee's 7th formal meeting, held on 10 May 2006, the Chairman reported on her visit to Liberia, which had taken place from 5 to 9 April. The Chairman noted that one purpose of the visit was to exchange views with relevant officials on how the Committee might assist in facilitating the implementation of the assets freeze in Liberia. The Chairman also described, in some detail, her meeting with the Minister of Justice, which focused mainly around the implementation of the assets freeze.

32. In a letter dated 21 December 2006, addressed to the Permanent Representative of Liberia, the Chairman, as a follow-up to the Committee's consideration of the most recent report of the Panel of Experts (S/2006/976), conveyed the concern of members that the Government of Liberia had not yet taken necessary action to effectively freeze the funds, financial assets or other economic resources of the individuals and entities contained in the Committee assets-freeze list, requested up-to-date information on the efforts of the Government to implement the assets freeze, and reiterated that the Committee would welcome receiving details regarding any assistance the Government might need in that regard.

33. In a letter dated 11 July 2006 addressed to the Permanent Mission of the Netherlands, the Chairman requested any information on the steps taken by the Government authorities to implement the assets freeze in the case of a listed individual who, according to the information provided by the Panel of Experts (see S/2006/379, para. 156), had earlier been arrested in the Netherlands for trafficking stolen cars.

34. In the above-mentioned letter addressed to the Permanent Mission of Nigeria, the Chairman also requested any information, by 31 January 2007, that could shed further light on the alleged investments made by former Liberian President Charles Taylor in Nigeria, as reported by the Panel of Experts (see S/2006/976, para. 155), as well as information about the actions taken by the Government authorities to effectively implement the assets freeze.

## D. Other activities

35. On 6 February 2006 the Committee discussed the programme of work of the Panel of Experts, which was re-established by resolution 1647 (2005). On 29 March, the Committee received an informal update from the Panel of Experts as envisioned in paragraph 9 (e) of the same resolution.

36. The Chairman of the Committee visited Liberia from 5 to 9 April. She provided an oral report on her visit at the 7th meeting of the Committee, on 10 May. The purpose of the visit was to discuss the implementation of the sanctions on Liberia and the progress that had been achieved to date in meeting the conditions for their lifting; and to demonstrate to the new Liberian Government the support and engagement of the Committee, including by exchanging views on how the Committee might assist in facilitating the implementation of the assets freeze in Liberia. The visit also served as an opportunity to assess the impact of sanctions in the context of the humanitarian and development needs of Liberia.

37. During informal consultations on 7 June and the 8th meeting on 13 June, ahead of the Council's next sanctions review, the Committee considered the final report of the Panel of Experts under the mandate accorded to it by resolution 1647 (2005)

(S/2006/379). At the 8th meeting, the Committee also received a briefing from a representative of the Chairman of the Kimberley Process, who led the Kimberley Process mission to Liberia from 22 to 27 May 2006.

38. On 16 June, as part of the Council sanctions review, the Chairman made a statement to the Council summarizing the discussions in the Committee on the report and recommendations of the Panel of Experts.

39. On 27 September and 17 October, ahead of the reviews called for in resolution 1689 (2006) of the Council decision not to renew the ban on import of all round logs and timber products from Liberia and of its decision to renew the ban on imports of rough diamonds from Liberia until 20 December 2006, the Committee considered two briefs prepared by the Panel of Experts that was re-established by the same resolution: the first on the adoption of the National Forestry Reform Law of 2006 of Liberia and the second on the diamond sector.

40. On 20 October, as part of those reviews, the Chairman made a statement to the Council summarizing the discussions in the Committee on the two briefs.

41. The Committee received a copy of a letter dated 23 October 2006, from the Chairman of the Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire addressed to the Special Representative for Liberia, for its information only, concerning the alleged presence of Liberians, as reported by the Group of Experts on Côte d'Ivoire (see S/2006/735), in a militia group based in Côte d'Ivoire. The Committee also received a copy of the reply dispatched by the Special Representative, dated 20 November 2006.

42. During informal consultations on 5 and 13 December, ahead of the Council's next sanctions review, the Committee considered the final report of the Panel of Experts under the mandate accorded to it by resolution 1689 (2006) (S/2006/976). On 19 December, as part of the sanctions review, the Chairman made a statement to the Council summarizing the activities of the Committee and the discussions held therein on the final report and recommendations of the Panel of Experts.

## IV. Observations

43. Liberia has seen important, positive developments in 2006. In the political arena, following the conduct of successful elections, the new democratically elected Government, headed by President Ellen Johnson-Sirleaf, was installed in January. In addition, former President Charles Taylor was captured while making his escape from Nigeria in March; he had previously been, in June 2003, indicted by the Special Court for Sierra Leone for war crimes, crimes against humanity, and other serious violations of international humanitarian law, and is currently awaiting trial in The Hague. As regards sanctions, the adoption of the National Forestry Reform Law of 2006 has led to the lifting of the measures on timber. The achievement of desired results in the forest and timber sector now rest on proper implementation of the adoption legislation. While significant progress has also been made in meeting the requirements for lifting the sanctions on diamonds, there are still several important steps that need to be taken for establishing a transparent, effective and internationally verifiable Certificate of Origin regime for Liberian rough diamonds, with a view to joining the Kimberley Process.

44. The gradual progress in the reform of the Liberian security sector has led to a gradual easing of the arms embargo. Yet it is important that the Committee remain vigilant and liaise closely with UNMIL in monitoring developments in this regard. The Committee has been working consistently to keep the travel-ban list and the assets-freeze list up to date with the most recent information, including the de-listing of one individual. Keeping the sanctions lists updated, including through listings and de-listings, sends a key message to Liberia and the international community that the Committee is willing to revise its lists in the light of new developments. Also in this regard the Chairman encourages the Committee to work out a comprehensive set of guidelines, in accordance with Security Council resolution 1730 (2006), adopted under the item entitled "General issues relating to sanctions", regarding listing and de-listing procedures in subsidiary bodies of the Council, while at the same time building on the established practice in the Liberia sanctions Committee of considering, in exceptional cases, de-listing requests submitted directly by listed individuals.

## Appendix 1

### Replies received from States in accordance with paragraph 1 of Security Council resolution 1532 (2004)

| State | Date of note verbale | Symbol |
|---|---|---|
| Syrian Arab Republic | 6 April 2006<br>26 April 2006 | S/AC.41/2006/1 and Add.1 |